

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Case No. 08-CR-53

SERGIO HERNANDEZ,

Defendant.

DECISION AND ORDER

The defendant, Sergio Hernandez, filed a motion for the return of property under Federal Rule of Criminal Procedure 41(g). Postjudgment motions under Rule 41(g) are civil actions subject to the Prison Litigation Reform Act. *United States v. Stevens*, 500 F.3d 625, 628 (7th Cir. 2007). To proceed with such an action, Hernandez must file a separate lawsuit and pay the filing fee (or use the partial payment procedures of the PLRA, 28 U.S.C. § 1915(b)). For now, the Court will DENY the motion [ECF No. 1553] without prejudice.

Dated at Milwaukee, Wisconsin, this 20th day of August, 2013.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge